

**Lyle IC Drain
Meeting Minutes
Gladwin County Board of Commissioners Room
June 22, 2022**

Meeting called to order by Brady Harrington at 11:00am.

Present: Brady Harrington, Chair, MDAR, Terry Walters, Gladwin County Drain Commissioner, Carl Parks Clare County Drain Commissioner

Also Present: Lucy Zeestraten, Gladwin County Deputy Drain Commissioner, Colleen Ritchie Clare County Deputy Drain Commissioner, Brittney Nicole form Fahey Schultz, Luke O'Brien Spice Group

Motion to elect Gladwin County as Secretary by Carl Parks, Second by Terry Walters. All in favor m/c.

Motion to approve agenda by Carl Parks. Seconded by Terry Walters. All in favor m/c

Brandy explains Terry is in the process of reviewing and amending drainage district boundaries some of which are over 100 years old and were based on entire parcels rather than topography. In the process in reviewing the drainage district boundary it has been found that there are lands from Clare County that go into the Lyle Drain. Today's meeting is not a discission on extending the actual drain that would be a petition of landowners within the drainage district. It is simple for the purpose of add Clare County and the ability for the people in Clare County to share the cost for any future work on the Lyle Drain. At this point in time there is not work for the Lyle Drain. That may change as all of you are here. We are simple going through the procedure to add Clare County and convert this from a county drain that can only assess properties in Gladwin County to intercounty drain which would be under the jurisdiction of this board and not just a single drain commissioner. Assess both properties in Gladwin County and Clare County. The drain code is a user pays law, so if your water is going to a particular drain you pay on that drain. You do not pay on drains across the county. There is an existing drain which Luke O'Brien from Spicer Group will demonstrate on the power point he's prepared. There is an existing drainage district. Who have paid in the past and is just the people in Gladwin County? We are here today to hear objections to adding Clare County to the drainage district. We look at a proposed drainage district boundary. We are not actually setting that boundary today. There will an opportunity to argue that actual boundary at a future meeting with your drain commissioner.

Brady turns it over to Luke O'Brien who has a power point presentation discussing the district boundaries. Luke explains he will show the history of the established course of the Lyle Drain. It was ordinaly established in 1914. It has a couple of branches but the entire drain itself is located in Beaverton Twp. A drainage district is all the lands that contribute stormwater or run off to the drain. This is important because the drainage district serves as the assessment district for any work that is done on the drain. Any lands that fall within the drainage district are liable for assessment on any future work or expenses on the drain. There are a couple different ways the drainage district is determined. With the current technology we utilize LiDAR elevation data which is available to all counties in this area. It was flown by an airplane over the last 5 years, and it is highly accurate. We use that information to determine directly or indirectly run off to the drain. You may have lands that are adjacent to the drain that directly outlet to the drain or you have lands that are a mile or ½ mile away that contribute via ditches, private tributary drains, or roadside ditches. Also review existing maps and aria photos. The last step in updating the boundary is complete a field review. We drive around looking for culverts, road crossings and we look at intersections and drainage patterns. These are the things that don't show up in the LiDAR information which require us to drive around and look at things. Luke continues to show a map that shows the historical drainage district boundary, and it was set in 1917. He states that its very square to parcels and the district line would fallow parcel lines. Luke shows a map that shows the area where Clare County contributes. Luke shows what is the recommended district boundary to be added to Clare County. Luke shows a map that shows the LiDAR data. The different colors depict the elevations. The browns and the reds are the higher elevations. As the elevation goes lower it goes orange to yellow to green. It shows the land of the land is sloping to the east.

Brandy states that there is not a project projected at this time. We are not formally setting the drainage district that Luke recommended. We will have a day of review where people can argue their boundary line with their drain commissioner.

Notice will be sent to everyone in the proposed drainage district.

Breakdown of acres is about 847 Clare County and 3,831 Gladwin County. Carl asked with the topography, does any of Isabelle Counties water flow into Clare County and goes into the Lyle Drain? Luke states that it cut off right at the County Line so he doesn't believe it does and if it does it would be very minimal. Some made a comment about how big the drain is, and it was said that that is the Howe IC Drain.

Brady states we here to hear any objections to the addition to adding Clare County to the drainage district. If the event that Clare County is added, we will discuss what percentage Clare County will pay for any future work. Given the number of you here some work has been on the Lyle Drain in the recent past. Terry probably will hear about that from you. Are purpose here today is objections to the additions to Clare County for any future work. Brady asked that during public comment you state your name for the court reporter and at this time I will open public comment.

Public Comment:

Jim Dailey – I live on Wade Rd. The drain actually runs right down my property. My concern is that its already existing and isn't changing a lot, but that drain hasn't been done since 1917. In the spring I can fish in my back yard, it floods me right out. So, the drains are inadequate to handle the water. So, my question is are you planning on doing something with those drains? Terry answered We are looking at that. That is why we are looking at the boundaries now and turning it onto an intercounty drain with Clare County. Because they are repping water to. So, we will look at that. I know work has been on that before. We will look at all that after we get this procedure done to make sure we are doing it right.

Steve Smith – I live on Clarabella Rd. and the LiDAR says my water goes into Lyle Drain and I don't see how that is possible. Can you verify any of that? Luke states that it's based on the elevation data. Looking at the LiDAR and the natural lay of the land is to the East. I don't dispute that your land is flat. The County Drain doesn't extend up to your neck of the woods, the lay of the land would allow the runoff to go to the east. How do you verify that? There is no way you can verify that. Beside your LiDAR map and topography. Luke states the topography is highly accurate and that is the information that we are using. If you want to have more discussion on this later, I will be happy talk to you about it. Depending on the processing go here we will have a day of review on the district, and we can talk about it at that point as well.

Tim Fliok – I live on Townhall Rd. My only concern is with the drain is back in 2013 I got taxed for them to do some work on the drain that goes through my property, but no work has been done. I have picture, I flood out every year. Its just the way the drain is, they moved part of that Lyle Drain where it some down Townhall Rd. They moved part of that drain where it crosses the road. Close to east side of the road but the Lyle Drain is on the west side of the road behind me. You have 2 drains trying to go to one and it just can't handle the water. My concern would be for the future if the drain is going to be cleaned north if me going down to the river or at least where it crosses the road again at Townhall Rd. I'm just flood out all the time. Terry stated we would get his name and come out and look at it. Terry stated one of the biggest concerns we are having right now is beaver. Terry explained to have a trapper come out and tare the dam down is at least \$500.00. That's why we want to get some assessment on it to move forward and to get Clare County added. We will look at it. I know there has been some work on it. You need to realize we are under a restriction with the state on Michigan right now for another 4 years because of the prior drain commissioner. The Attorney General, DNR and EGLE look at everything we do. Permit wise it takes about a year. We're working forward and trying to get things done. We have to do it the correct way.

Ron Evans – Lives on Lyle Rd. At this point and I know you are trying to get Clare County in on the action. Trying to get some assessment from them. We have known idea what the assessment will be at this time? As far as how much we would pay. Brady states at this point it would be just for the work done to establish the boundary and notification to you all. There has not been a significate amount expended. If maintenance was done, we are limited to \$5,000.00 per mile of drain per year. Brady asked Luke if he know the milage of this drain. Luke said it was about 10 miles. Brady states in any given year the maximin amount the drainage board could spend would be \$50,000.00. Which would be splint over the 4,000 acers or so.

Brady states that is where we are at today. Is Terry said there is no current work planned. He is looking at doing an inspection of the drain and perhaps doing some maintenance in the future. Right now there is no plans to extend the drain that would take a petition from the landowners in the drainage district to make any more drain then there is currently then there is today.

Terry states that if you have a problem call us or get with Lucy before we leave today and give her your name and address and we'll come out and take a look. Tell us what the problem is, and we will work through that to try to do something for you.

Glenda Hartgrove – I have a drain in my ditch, and it never get clean, and I pay the taxes. If we clean it out ourselves even though the water does flow across, but my property is way, way away from this. I can't imagine any water I have back there in that swamp goes North. Carl asked what drain are you on in Clare County, on Athey? She states Lomus Drain. Carl asked for her address. She gives her address and Carl said he would get with her.

Public Comment closed

Motion that is equitable to add Clare County to the Lyle Drain drainage district by Terry Walters. Second by Carl Parks. All in favor m/c

Luke recommendations for apportionments. Luke first looked at acreage based 18% Clare County 82% Gladwin County. Then Luke looked at factor-based length of use and also proximity. Proximity is important in this case because the drain doesn't extend all the way into Clare County. So, the weighted factor does give Clare County a reduction. So, the recommendation in the zone base factor 13.7% and 86.3%. Motion to use the zone-based factor and round the numbers to 14% Clare County and 86% Gladwin County by Carl Parks. Seconded Terry Walters. All in favor m/c Brady states this can be revisited in the event there are reasons to do so. This is not a forever percentage.

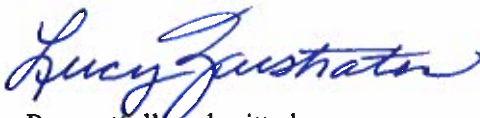
Brady asks for purpose of day of review are you comfortable with this preliminary boundary. This will be a boundary that is starting point. We are not setting the actual boundary today. There will be a day of review at which point in time you will have the opportunity to argue with your commissioner. You know your property better then we do. If there is something that is off that will be your opportunity to let your commissioner know. Motion to approve the primary boundary for the purpose of day of review by Terry Walters. Second by Carl Parks. All in favor m/c.

Public asks what acreage is added to the new proposed lines vs the old lines? Luke will get with you after the meeting.

Brady states to look for your notice for day of review. Apricate your attendants today. If you have any questions or comments for Terry, see us after the meeting.

Next meeting date will be Day of Review. Gladwin DOR is August 4th. Drainage board meeting August 16th at 10am at the Gladwin County Commissioners Room.

Motion to adjourned by Carl Park, seconded by Terry Walters. All in favor. M/C
Meeting adjourned at 11:26 am.



Respectfully submitted
Lucy Zeestraten, Secretary